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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,815	01/05/2001	Lester T. Yoshida	10885-00011	5410

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EXAMINER

LIANG, GWEN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755,815

Applicant(s)

YOSHIDA ET AL.

Examiner

GWEN LIANG

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the Internet" in line 21. This limitation does not exist in its parent claims 13 and 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-15, 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307).

With respect to claim 1, Murphy discloses a method comprising the steps of:

receiving a user preference profile for a specific activity (col. 2 lines 15-19, wherein a user preferences databases are used to store information on the user preferences related to user activities.);

comparing the user preference profile with pre-stored weather information (col. 2 lines 9-13; col. 2 lines 32-41).

Murphy does not explicitly teach the step of “providing the user at least one of a suggested time and a suggested location for the specific activity”. However, the teaching of this step is obvious in Murphy (See for example: col. 2 lines 47-60, wherein the forecast can be tailored to the specific activity identified by the user. The user-provided data can include threshold data which causes the best-in-time forecasting system to generate a notification of the user if certain parameters are met or exceeded. The best-in-time forecasting system can then notify the user via a communication medium through which the user is connected to the best-in-time forecasting system to provide a forecast having a content and format that are customized for the user-specific request. The request may originate via user's calendar and scheduling software, project management software, an events scheduler or by completing a best-in-time forecasting system provided screen. It is obvious that the most appropriate time and/or location for the user-specified activity is provided through the aforementioned step of generating a notification of the user if certain parameters are met or exceeded.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of “providing the user at least one of a suggested time and a suggested location for the specific activity” into the other steps in the method of the weather-based decision making as taught in Murphy to provide a forecasting system that can customize its output forecast to the specific needs of a user and an identified event (See for example col. 1 lines 63-65). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

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Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method wherein said step of receiving a user preference profile comprises the step of receiving from the input device a user preference profile for at least one activity (col. 4 lines 1-8; col. 2 lines 15-19; col. 2 lines 32-36).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method wherein said step of receiving a user profile comprises the step of receiving weather parameters including at least one of precipitation, wind, air temperature, humidity, location, road conditions, cross winds, visibility and time (col. 2 lines 32-36).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of receiving updated weather information and storing tile weather related information in a weather database (col. 5 line 60 – col. 6 line 4).

Claim 5 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method wherein said step of comparing the user preference profile comprises the step of comparing the user preference profile with information contained in the weather database (col. 2 lines 9-13; col. 2 lines 32-41).

Claim 6 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of monitoring the weather database and providing updated information to the user (col. 3 lines 65-67).

Claim 7 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of warning the user when input weather parameters have been exceeded (col. 2 lines 49-52).

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method comprising the step of warning the user when input weather parameters have been met (col. 2 lines 49-52).

Claim 9 is rejected on grounds corresponding to the reasons given above for claim 7.

Claim 10 is rejected on grounds corresponding to the reasons given above for claim 8.

Claim 11 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of receiving weather information from at least one of NOAA reports, weather towers, traffic, video, and construction and closure reports (col. 4 line 50 – col. 5 line 5).

Claim 12 is rejected for the reasons set forth hereinabove for claim 4 and furthermore Murphy teaches a method comprising the step of receiving weather information from a plurality of surface mounted road sensors (col. 4 lines 9-41).

Claim 13 is rejected on grounds corresponding to the reasons given above for claim 1, and furthermore Murphy discloses the use of network in providing information to the user (col. 4 lines 1-8).

Claim 14 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Murphy teaches a method wherein said step of providing the user at least one of a suggested time and a suggested location via a network comprises the step of creating an entry in a personal electronic calendar for a time and a location at which weather parameters in the user preference profile are forecasted to be at least one of met and exceeded (col. 7 line 63 – col. 8 line 25).

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Claim 15 is rejected for the reasons set forth hereinabove for claim 13 and furthermore Murphy teaches a method wherein the network is one of the Internet, an intranet, a wide area network, and a local area network (col. 8 lines 47-51).

Claims 17 and 26 are rejected on grounds corresponding to the reasons given above for claims 4 and 1.

Claim 18 is rejected for the reasons set forth hereinabove for claim 17 and furthermore Murphy teaches a system wherein to prompt a user to provide a user profile, said server causes to be displayed on a user device a computer generated screen listing a plurality of weather parameter selections (col. 8 lines 53-54; col. 7 lines 22-26).

Claim 19 is rejected on grounds corresponding to the reasons given above for claim 4.

Claim 20 is rejected on grounds corresponding to the reasons given above for claim 17.

Claim 21 is rejected on grounds corresponding to the reasons given above for claims 3 and 9.

Claim 22 is rejected on grounds corresponding to the reasons given above for claims 3 and 10.

Claims 23 and 31 are rejected on grounds corresponding to the reasons given above for claim 1.

Claims 24 and 32 are rejected on grounds corresponding to the reasons given above for claim 13.

Claims 25, 33 and 34 are rejected on grounds corresponding to the reasons given above for claim 14.

Claim 27 is rejected on grounds corresponding to the reasons given above for claim 18.

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Claim 28 is rejected on grounds corresponding to the reasons given above for claims 1 and 4.

Claims 29 and 30 are rejected on grounds corresponding to the reasons given above for claim 7.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al., "Murphy" (U.S. Patent No. 6,298,307), further in view of Kim (U.S. Patent No. 5,950,137).

Claim 16 is rejected for the reasons set forth hereinabove for claim 3. However Murphy does not explicitly disclose a method wherein the location parameter includes a latitude and longitude.

Kim teaches a method wherein the location parameter includes a latitude and longitude (col. 3 lines 10-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a latitude and longitude as disclosed by Kim into the location parameter as disclosed in Murphy. The latitude and the longitude information fields are signed integers specifying the estimated location in unit of tenth of a second (col. 3 lines 22-24). ). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.



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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 703-305-3985. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M. Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

G.L.  
December 30, 2002

  
SHAHID AL ALAM  
PATENT EXAMINER